

THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition (M/S) No. 1506 of 2006

Sunil Sharma Son of A.P.Sharma, resident of No.2 Balupur Road,
Dehradun, District Dehradun.

... **Petitioner.**

Versus

1. Judge Small Cause Court Dehradun/First Additional Civil Judge (Senior Division) Dehradun.
2. Sri Parnay Nivedan Pundir Son of Sri J.R.Singh, Shopkeeper (Chemist), Resident of Village Kanwali, G.M.S.Road, near Bharat Gas, Dehradun.

... **Respondents.**

Sri Pawan Kumar, Adv. learned counsel for the petitioner.
Sri Nand Prasad, learned Standing Counsel for the respondent no.1.

Dated September 28, 2006.

Hon'ble B.S. Verma, J.

Heard learned counsel for the petitioner Sri Pawan Kumar as well as learned Standing Counsel, Sri Nand Prasad for the State and perused the material on record.

The only prayer made by the petitioner in the present writ petition is that the respondent no.1 be directed to decide the S.C.C.Suit No. 24 of 2005 Sunil Sharma Vs. Parnay Nivedan expeditiously with the allegation that the petitioner is the landlord-owner of the suit premises, while the respondent no.2 is the tenant of the petitioner. After determining the tenancy of the respondent no.2, the plaintiff-petitioner filed the suit for recovery of arrears of rent and eviction of the respondent no.2, which was registered as S.C.C.Suit No. 24 of 2005, which was ultimately transferred to the Court of the respondent no.1 for decision according to law. According to the petitioner, tenant-defendant is not interested in expeditious decision of the case and he intends to drag the petition

in prolong litigation. It is stated that the suit is at the stage of final hearing.

Admittedly, the suit is cognizable by the Judge Small Cause Courts. In the facts and circumstances of the case, it will be in the fitness of things that the learned J.S.C.C./I Additional Civil Judge (Senior Division) Dehradun is directed to decide the S.C.C. Suit No. 24 of 2005, Sunil Sharma Vs. Pranay Nivedan expeditiously in accordance with law, preferably within a period of one year from the date of production of certified copy of this court. Both the parties shall co-operate in the expeditious decision of the suit.

With the above direction, the writ petition is disposed of finally.

(B.S. Verma, J.)

28-09-2006
RCP